

HOUSE BILL 662

By Carter

AN ACT to amend Tennessee Code Annotated, Title 6,
Chapter 51 and Title 6, Chapter 58, relative to
agricultural property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-104, is amended by adding the following language as new subsections:

(c) If a municipality determines pursuant to subsection (d) that an owner's property is not primarily being used for agricultural purposes, then the property owner may contest the determination by petitioning the county legislative body. By a majority vote of its total membership, the county legislative body may determine that the owner's property is, in fact, primarily being used for agricultural purposes. In the absence of changed circumstances, the determination of the county legislative body shall remain binding upon the municipality.

(d) For purposes of this section, "property being used primarily for agricultural purposes" means property that satisfies one (1) of the following conditions:

(1) The property is classified as agricultural land or forest land pursuant to § 67-5-1005 or § 67-5-1006;

(2) The property fails to meet the size requirements of agricultural land or forest land specified in §§ 67-5-1004(1)(B), 67-5-1004(3), 67-5-1003(3), and 67-5-1008(g), but otherwise meets the requirements to be classified as agricultural land or forest land pursuant to § 67-5-1005 or § 67-5-1006; or

(3) The person who owns or operates the property meets the definition of a qualified farmer or nurseryman as defined in § 67-6-207(e)(4) or is eligible to file a farm tax return, Form 1040, Schedule F.

SECTION 2. This act shall take effect May 16, 2015, the public welfare requiring it.